

THE WISCONSIN CRIMINAL COURT SYSTEM

DISTRICT ATTORNEY
MAKES CHARGING DECISION



INITIAL APPEARANCE



PRELIMINARY HEARING



ARRAIGNMENT



MOTIONS



PRE-TRIAL CONFERENCE



TRIAL



SENTENCING

MISDEMEANOR

A crime that is punishable by fines and/or confinement to a county jail.

FELONY

A crime that is punishable by confinement in a state prison.

1. CHARGING DECISION – District Attorney

A report is filed with the District Attorney by a police agency. The case is reviewed by an attorney who decides whether to issue a **complaint**. (A written document charging a person with a crime.) The case is then scheduled for Initial Appearance.

2. INITIAL APPEARANCE

At this time, the defendant appears before a judge. The judge reads the complaint and sets bail. (For Felony Cases - A date is set for a Preliminary Hearing.)

3. PRELIMINARY HEARING (*Felony Cases Only*)

In felony cases, a Preliminary Hearing must be held unless it is waived by the defendant. The judge hears testimony to decide if the court has probable cause to believe a felony was committed and if the defendant probably committed it. If the judge feels the State has enough evidence to make the defendant stand trial, the case will continue and the defendant is **bound over** for trial.

4. ARRAIGNMENT

At this appearance the judge accepts the defendant's plea of guilty or not guilty. If the plea is not guilty, a date is set for a Pre-Trial Conference/Status Conference. If the plea is guilty, the defendant may be sentenced immediately or at a future date.

5. MOTIONS

A motion is a verbal or written request about a legal question made by the prosecutor or the defense attorney before, during, or after the trial, asking the court to issue a rule or an order.

6. PRE-TRIAL CONFERENCE/STATUS CONFERENCE

A hearing between the prosecutor and the defense attorney where it is decided if the case is to be settled or will proceed to trial. If the case settles then a sentencing hearing is scheduled.

7. TRIAL

After all the motions are heard, the case proceeds to trial. If the defendant is found guilty, a date is set for sentencing. If the defendant is found not guilty, this is the end of the court trial proceedings.

8. SENTENCING

Sentencing occurs after a guilty plea, no contest plea or finding of guilty by the jury or the court. Victims and witnesses may be present in court and make written or verbal statements before sentencing regarding the effects of the crime on their families. Restitution to the victim may be ordered by the court.

Not every case goes through the steps outlined above. This brochure is intended to explain the standard process usually followed in criminal cases. For more information, contact the Iowa County Victim/Witness Assistance Program at 608-935-0338.